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BEFORE THE ARIZONA CORPORATIO...

GARY PIERCE
Chairman

BOB STUMP
Commissioner

PAUL NEWMAN
Commissioner

SANDRA D. KENNEDY
Commissioner

BRENDA BURNS
Commissioner

ARIZONA CORPORATION NO. 00000000000000000000

DOCKETED

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IN THE MATTER OF THE APPLICATION
OF BUDGET PREPAY, INC. d/b/a BUDGET
PHONE, INC. FOR DESIGNATION AS A
NON-RURAL WIRELESS ELIGIBLE
TELECOMMUNICATIONS CARRIER

DOCKET NO. T-04079A-11-0362

NOTICE OF FILING EXCEPTIONS TO

STAFF'S AMENDED RECOMMENDED OPINION AND ORDER

Budget Prepay, Inc. ("Budget") respectfully submits an exception to Staff's Amended Recommended Opinion and Order ("Amended ROO") filed in the above-captioned docket on October 22, 2012. Specifically, Budget requests that the following language be added to the end of the last sentence of paragraph 40: "or to identify the Federally-recognized Tribe on the lands of which he or she resides." Adding this language is necessary for the Amended ROO to accurately summarize the terms of the Joint Stipulation between Budget and ALECA in this case.

Paragraph three of the Joint Stipulation between Budget and ALECA reads as follows:

To ensure that Budget does not inadvertently provide service to residents of the lands of a Federally Recognized Tribe for which Budget has not obtained all necessary licenses or other forms of approval, Budget further agrees that its Lifeline enrollment application for Arizona will:

- (a) Require an applicant to provide a street address, and
- (b) Include a provision that requires an applicant under penalty of perjury (i) to self-certify that he or she does not reside on Federally-Recognized Tribal Lands in Arizona, or (ii) to identify the Federally Recognized Tribe on the lands of which he or she resides.

Paragraph 40 on page 14 of the Amended ROO summarizes the Joint Stipulation filed in this case between ALECA and Budget. The last sentence of this paragraph reads as follows:

In addition, Budget agreed that its Lifeline enrollment application for Arizona will require an applicant to provide a street address and include a provision that requires an applicant to self-certify under penalty of perjury that they do not reside on Federally-recognized Tribal Lands.

This sentence does not accurately summarize the terms of the Joint Stipulation because it fails to include the alternative of identifying the Federally Recognized Tribe on the lands of which an applicant resides.

As reflected in the remainder of the Joint Stipulation and throughout the Amended ROO, Budget is seeking conditional ETC designation for Tribal Lands served by CenturyLink QC. Once Budget obtains the necessary Tribal approvals, its application should require applicants to *either* (i) self-certify that they do not reside on Tribal Lands *or* (ii) identify the Tribe on whose lands they reside. Budget respectfully requests that the Commission make this change to the Amended ROO so that it accurately reflects the Joint Stipulation.

1 RESPECTFULLY SUBMITTED this 6th day of November, 2012.

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13 ORIGINAL and thirteen (13) copies
14 of the foregoing filed
15 this 6th day of November, 2012, with:

16 The Arizona Corporation Commission
17 Utilities Division – Docket Control
18 1200 W. Washington Street
19 Phoenix, Arizona 85007

20 Copy of the foregoing hand-delivered
21 this 6th day of November, 2012, to:

22 Chairman Gary Pierce
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25 Phoenix, Arizona 85007

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16 2012 to:

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